

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ARK LAW GROUP, et al.,

CASE NO. C22-0504JLR

Plaintiffs,

MINUTE ORDER

V.

ARCH INSURANCE COMPANY,

Defendant.

The following minute order is made by the direction of the court, the Honorable

James L. Robart:

Before the court is Defendant Arch Insurance Company’s (“Arch”) motion for relief under Federal Rule of Civil Procedure 56(d), in which it asks the court to stay the deadline to respond to Plaintiffs Ark Law Group (“Ark”) and Nadia Kourehdar’s (collectively, “Plaintiffs”) motion for partial summary judgment. (Mot. (Dkt. # 31); *see also* MSJ (Dkt. # 27).) Under Federal Rule of Civil Procedure 56(d), if the nonmoving party “shows by affidavit or declaration that, for specified reasons, it cannot present facts

1 essential to justify its opposition, the court may: (1) defer considering the motion or deny
 2 it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any
 3 other appropriate order.” Fed. R. Civ. P. 56(d). Although Arch’s motion sets forth the
 4 specific information it hopes to elicit from further discovery, a basis for believing that
 5 information exists, and why that information is relevant to its opposition to Plaintiffs’
 6 motion for partial summary judgment, it fails to set forth the same in a declaration or
 7 affidavit. (*See generally* Mot.; Dkt.¹)

8 Accordingly, the court EXTENDS the deadline for Arch to file its reply in support
 9 of its Rule 56(d) motion to February 15, 2023, and DIRECTS Arch to also file, by
 10 February 15, 2023, an affidavit or declaration setting forth the specific information it
 11 hopes to elicit from further discovery, a basis for believing that information exists, and
 12 why that information is relevant to its opposition to Plaintiffs’ motion for partial
 13 summary judgment. Plaintiffs may respond, in no more than 1050 words, to Arch’s reply
 14 and affidavit or declaration by February 20, 2023. The court further DIRECTS the Clerk
 15 to renote Arch’s Rule 56(d) motion (Dkt. # 27) for February 20, 2023.

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21 ¹ The two declarations that Arch filed in support of its Rule 56(d) motion do not specify
 22 the information Arch hopes to elicit from further discovery, a basis for believing that information
 exists, and why that information is relevant to Arch’s opposition to Plaintiffs’ motion for partial
 summary judgment. (*See generally* 2/2/23 Ries Decl. (Dkt. # 32); Verfurth Decl. (Dkt. # 33).)

1 Filed and entered this 9th day of February, 2023.

2 RAVI SUBRAMANIAN
3 Clerk of Court

4 s/ Ashleigh Drecktrah
5 Deputy Clerk